

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:23-CV-22-D-KS

KEVIN POSEY,
)
Plaintiff,
)
v.
)
KILOLO KIJAKAZI, Acting
)
Commissioner of Social Security
)
Administration,
)
Defendant.
)

ORDER

This action for judicial review of an administrative decision denying Plaintiff Social Security benefits is before the court on the following motions:

1. Pro se motion for an extension of time and to remove counsel of record filed by Plaintiff [DE #20];
2. Motion to withdraw filed by Plaintiff's counsel [DE #25];

and

3. Pro se motion to voluntarily dismiss the action filed by Plaintiff [DE #30].

A hearing was held on August 28, 2023, at the United States Courthouse Annex in Greenville. Plaintiff was present in court as was his attorney, Scott A. Scurfield. The Commissioner was represented by Special Assistant United States Attorney Joanne Kernicky who appeared, with leave of court, via video.

Given the procedural posture of the case and based upon the statements and arguments made by Plaintiff and his counsel, the court hereby ORDERS as follows:

1. Plaintiff's motion for an extension time [DE #20] is GRANTED. Plaintiff shall have until **October 12, 2023**, to file his opening brief pursuant to Rule 6 of the Supplemental Rules for Social Security Actions under 42 U.S.C. § 405(g).

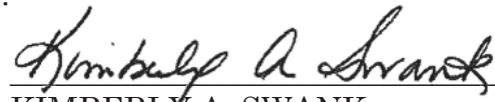
2. Counsel's motion to withdraw from representation [DE #25] and Plaintiff's motion to remove counsel [DE #20] are DENIED WITHOUT PREJUDICE. Scott A. Scurfield shall confer with Plaintiff and assist him in filing his opening brief or in securing substitute counsel to represent Plaintiff in this action.

3. Plaintiff's motion to voluntarily dismiss the action [DE #30] is deemed WITHDRAWN by Plaintiff. Alternatively, the motion is DENIED WITHOUT PREJUDICE.

4. The clerk is directed to serve a copy of this order on Plaintiff by United States mail, addressed as follows:

Kevin Posey
1304 North Dr.
Goldsboro, NC 27534

This 8th day of September 2023.



KIMBERLY A. SWANK
United States Magistrate Judge